



UNITED STATES DEPARTMENT OF COMMERCE
The Under Secretary of Commerce
for Oceans and Atmosphere
Washington, D.C. 20230

June 14, 2021

Mr. David Concannon
Explorer Consulting
100 Sun Valley Road, Box 329
Sun Valley, ID 83353
E-mail: david@davidconcannon.com

Dear Mr. Concannon:

The National Oceanic and Atmospheric Administration (NOAA) has reviewed the information OceanGate Expeditions Ltd. ("OceanGate") provided via letter to the U.S. District Court for the Eastern District of Virginia to NOAA, as well as information available on OceanGate's website regarding its proposed *Titanic* Expedition 2021. See Letter from David Concannon, Legal and Operational Advisor to OceanGate, to Honorable Rebecca B. Smith, U.S. District Court for the Eastern District of Virginia (May 18, 2021) ("May 18, 2021 Letter to the Court"); Letter from David Concannon to Jackie Rolleri, Office of the General Counsel, NOAA (June 3, 2021) ("June 3, 2021 Letter to NOAA").

Based on this information, NOAA concludes that no authorization pursuant to section 113 of the Consolidated Appropriations Act, 2017, Public Law 115-31, 131 Stat. 135, 192 (2017), is required for this proposed expedition. Section 113 prohibits any person from conducting "... research, exploration, salvage, or other activities that would physically alter or disturb the wreck or wreck site of the R.M.S. Titanic, unless authorized by the Secretary of Commerce per the provisions of the [International Agreement]."

OceanGate has stated that it plans to conduct a 6-week expedition to the *Titanic* and *Titanic* wreck site, during which OceanGate will not be "... conducting any research, exploration, salvage or other activity that would physically alter or disturb the wreck or wreck site." (May 18, 2021, Letter to the Court, at 5)

As outlined in the May 18, 2021, Letter to the Court and the June 3, 2021, Letter to NOAA, NOAA understands that OceanGate will be conducting a series of human occupied submersible dives on *Titanic* to conduct citizen scientist exploration and visualization of the wreck site. NOAA understands that the survey will be non-invasive and that its intended purpose is to collect photographic and acoustic data, as well as conduct a high-resolution laser scan of the wreck and wreck site.

Based on the information OceanGate has provided, NOAA understands that OceanGate will conduct its expedition in a manner that does not require a section 113 authorization and that is Mr. David Concannon

THE ADMINISTRATOR



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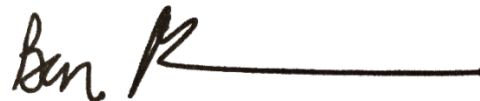
consistent with the *Titanic* International Agreement; the 1986 R.M.S. *Titanic* Maritime Memorial Act; the Guidelines for Research, Exploration, and Salvage of R.M.S. *Titanic* (66 Fed. Reg. 18905, Apr. 12, 2001); International Maritime Organization (IMO) Circular MEPC.1/Circ.799; and applicable orders from the U.S. District Court for the Eastern District of Virginia. Based on the requirements and policies from the foregoing, NOAA understands that OceanGate and any agent or contractor for the proposed expedition will:

- Comply with all applicable laws and regulations including, but not limited to, existing IMO standards that prohibit discharge of plastic, oil, chemicals, or other noxious or hazardous liquids while conducting operations over *Titanic*.
- Not discharge garbage, blackwater, graywater, and any other incidental discharges to the operation of the vessel:
 - within 10 nautical miles of the *Titanic* wreck site, defined in IMO Circular MEPC.1/Circ.779 by the following coordinates; or
 - within 50 nautical miles up-current of the same.
- Avoid any activities that may result in physical alteration or disturbance of the wreck or wreck site (including the seabed) including any contact, landing, or prop wash.
- Not install, attach, or place any plaques, memorials, or other temporary or permanent fixtures on *Titanic*.
- Not enter, or attempt to enter, either of the hull pieces.

NOAA appreciates OceanGate's offer to share the content and data it collects with NOAA. NOAA asks that OceanGate provide NOAA with a copy of the final report that OceanGate will be submitting to the U.S. District Court for the Eastern District of Virginia. *See* Letter from Honorable Rebecca B. Smith to David Concannon (May 21, 2021).

If you have further questions, please let me know. Thank you for your continued cooperation with NOAA.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ben R", followed by a long horizontal line extending to the right.

Benjamin Friedman
Deputy Under Secretary for Operations
Performing the Duties of Under Secretary
of Commerce for Oceans and Atmosphere
and NOAA Administrator